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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,493	01/12/2006	Zenton Goh	4276-101	9011

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EXAMINER	
RAJAN, KAI	

ART UNIT	PAPER NUMBER
3769	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/564,493	GOH ET AL.	
	Examiner	Art Unit	
	KAI RAJAN	3769	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6,7,9,30,32,34,35,37-42,47-55,57 and 58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,6,7,9,30,32,34,35,37-42,47-55,57 and 58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Examiner acknowledges the reply filed November 14, 2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, 6, 7, 9, 30, 32, 34, 35, 37-42, 47-55, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson et al. U.S. PGPub No. 2004/0059205 (Carlson) in view of Toner U.S. Patent No. 5,365,217, and further in view of Hatlestad U.S. PGPub No. 2004/0073093.

Note to Applicant: see previous action for rejection to unaddressed dependent claims, as they are rejected on substantially the same basis.

In regards to claim 1, Carlson et al. discloses a method of capturing and monitoring at least one physiological parameter and movement within an area of at least one person, the method comprising:

providing each person with a respective device for measuring at least one physiological parameter of each person, the physiological parameter being indicative of whether the person has a physical condition, each device having a device identifier (Carlson et al. paragraphs 0011, 0057);

at least intermittently measuring a physiological parameter of each person using the respective device to obtain a physiological parameter reading for each measurement (Carlson et al. paragraph 0011);

associating each of at least a selected number of the physiological parameter readings with the respective device identifier of the device by which, the location identifier, and a time at which the physiological parameter reading is obtained (Carlson et al. paragraphs 0010, 0011, 0057, 0089);

storing the associated physiological parameter reading, device identifier, location identifier and time (Carlson et al. paragraphs 0020, 0090);

comparing the physiological parameter reading with a first predetermined physiological parameter threshold value to determine if the person is wearing the device properly (Carlson et al. paragraphs 0033, 0037, 0039, see also claim 26); and

comparing the physiological parameter reading with a second predetermined physiological parameter threshold value to determine if the person has a physical condition (Carlson et al. paragraphs 0089, 0109, 0117).

Carlson discloses locating the monitored person via GPS satellite technology (Carlson et al. paragraphs 0010, 0077). Carlson fails to disclose locating the person via access stations arranged within an area, thereby dividing the area into cells. However, Toner a reference in an

analogous art discloses a grid of detector stations that provide location information and relay alerts to a central monitoring station (Toner column 10 line 41 – column 11 line 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the GPS tracking system of Carlson with the detector station grid of Toner, since Carlson states that alternative tracking methods may be substituted for GPS (Carlson et al. paragraph 0077).

Carlson and Toner disclose measuring and transmitting heart rate waveforms for ambulatory patients for detecting alarm conditions (Carlson et al. paragraphs 0014 – 0020). Carlson and Toner are silent regarding applying correction factors to those waveforms that are determined for individual patients. However, Hatlestad, a reference in an analogous art, discloses an EKG monitoring and transmitting system that applies correction factors to the measured waveforms to compensate for the context in which the data is measured (Hatlestad paragraph 0027). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Carlson and Toner with the correction factors of Hatlestad, since Hatlestad states that applying correction factors to compensate for the context in which physiological data is measured increases the reliability of the measured data and improves assessments of the patient's health (Hatlestad paragraphs 0003 – 0005).

In regards to claim 30, Carlson et al. discloses a system for capturing and monitoring at least one physiological parameter and movement within an area of at least one person comprising:

a remote control unit (Carlson et al. paragraph 0017); and

wherein the physiological parameter reading, device identifier, station identifier and a time at which the physiological parameter reading is obtained by the device are stored in a first record at the control unit (Carlson et al. paragraphs 0089 – 0090),

wherein the control unit is adapted to match a date, time and location identifier of a second record obtained from another respective device of a second person with those in the first record; and to identify the second person to be in physical proximity of the first person if there is a match (Paragraphs 0017, 0022);

wherein the control unit is adapted to compare the physiological parameter reading with a first predetermined physiological parameter threshold value to determine if the first person is wearing the device properly properly (Carlson et al. paragraphs 0033, 0037, 0039, see also claim 26); and

wherein the control unit is adapted to compare the physiological parameter reading with a second predetermined threshold value to determine if the first person has a physical condition (Carlson et al. paragraphs 0089, 0109, 0117).

Carlson discloses locating the monitored person via GPS satellite technology (Carlson et al. paragraphs 0010, 0077). Carlson fails to disclose locating the person via access stations arranged within an area, thereby dividing the area into cells. However, Toner a reference in an analogous art discloses a grid of detector stations that provide location information and relay alerts to a central monitoring station (Toner column 10 line 41 – column 11 line 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the GPS tracking system of Carlson with the detector station grid of Toner, since Carlson states that alternative tracking methods may be substituted for GPS (Carlson et al. paragraph 0077).

Carlson and Toner disclose measuring and transmitting heart rate waveforms for ambulatory patients for detecting alarm conditions (Carlson et al. paragraphs 0014 – 0020). Carlson and Toner are silent regarding applying correction factors to those waveforms that are determined for individual patients. However, Hatlestad, a reference in an analogous art, discloses an EKG monitoring and transmitting system that applies correction factors to the measured waveforms to compensate for the context in which the data is measured (Hatlestad paragraph 0027). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Carlson and Toner with the correction factors of Hatlestad, since Hatlestad states that applying correction factors to compensate for the context in which physiological data is measured increases the reliability of the measured data and improves assessments of the patient's health (Hatlestad paragraphs 0003 – 0005).

In regards to claim 47, Carlson et al. discloses a system for capturing and monitoring at least one physiological parameter and movement within an area of at least one person comprising:

a remote control unit (Carlson et al. paragraphs 0076, 0079); and

the physiological parameter reading, device identifier, and a time at which the physiological parameter reading is obtained by the device are stored in a first record at the control unit (Carlson et al. paragraphs 0089 – 0090);

wherein the control unit is adapted to compare the physiological parameter reading with a first predetermined physiological parameter threshold value to determine if the first person is wearing the device properly (Carlson et al. paragraphs 0033, 0037, 0039, see also claim 26); and

wherein the control unit is adapted to compare the physiological parameter reading with a second predetermined threshold value to determine if the first person has a physical condition (Carlson et al. paragraphs 0089, 0109, 0117).

Carlson discloses locating the monitored person via GPS satellite technology (Carlson et al. paragraphs 0010, 0077). Carlson fails to disclose locating the person via access stations arranged within an area, thereby dividing the area into cells. However, Toner a reference in an analogous art discloses a grid of detector stations that provide location information and relay alerts to a central monitoring station (Toner column 10 line 41 – column 11 line 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the GPS tracking system of Carlson with the detector station grid of Toner, since Carlson states that alternative tracking methods may be substituted for GPS (Carlson et al. paragraph 0077).

Carlson and Toner disclose measuring and transmitting heart rate waveforms for ambulatory patients for detecting alarm conditions (Carlson et al. paragraphs 0014 – 0020). Carlson and Toner are silent regarding applying correction factors to those waveforms that are determined for individual patients. However, Hatlestad, a reference in an analogous art, discloses an EKG monitoring and transmitting system that applies correction factors to the measured waveforms to compensate for the context in which the data is measured (Hatlestad paragraph 0027). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Carlson and Toner with the correction factors of Hatlestad, since Hatlestad states that applying correction factors to compensate for the context in which physiological data is measured increases the reliability of the measured data and improves assessments of the patient's health (Hatlestad paragraphs 0003 – 0005).

In regards to claim 54, Carlson et al. discloses a system for capturing and monitoring at least one physiological parameter and movement within an area of at least one person comprising:

a remote control unit (Carlson et al. paragraphs 0076, 0079);

at least one physiological parameter measuring device that is attachable to the first person for measuring at least one physiological parameter of the first person, each device having a device identifier and being connected to the respective access station of the cell when it is within the cell (Carlson et al. paragraphs 0073, 0089 – 0090);

wherein the physiological parameter reading, device identifier, station identifier and a time at which the physiological parameter reading is obtained by the device are stored in a first record at the control unit (Carlson et al. paragraphs 0089 – 0090);

wherein the control unit is adapted to provide information corresponding to the device identifier and the station identifier associated with the physiological parameter reading for identifying and locating the first person (Carlson et al. paragraphs 0089 – 0090);

wherein the physiological parameter measuring device is adapted to be attached to the first person such that it is capable of measuring a physiological parameter when in contact with the abdomen of said person (Carlson et al. paragraph 0073);

wherein the control unit is adapted to compare the physiological parameter reading with a first predetermined physiological parameter threshold value to determine if the first person is wearing the device properly (Carlson et al. paragraphs 0033, 0037, 0039, see also claim 26); and

wherein the control unit is adapted to compare the physiological parameter reading with a second predetermined threshold value to determine if the first person has a physical condition (Carlson et al. paragraphs 0089, 0109, 0117).

Carlson discloses locating the monitored person via GPS satellite technology (Carlson et al. paragraphs 0010, 0077). Carlson fails to disclose locating the person via access stations arranged within an area, thereby dividing the area into cells. However, Toner a reference in an analogous art discloses a grid of detector stations that provide location information and relay alerts to a central monitoring station (Toner column 10 line 41 – column 11 line 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the GPS tracking system of Carlson with the detector station grid of Toner, since Carlson states that alternative tracking methods may be substituted for GPS (Carlson et al. paragraph 0077).

Carlson and Toner disclose measuring and transmitting heart rate waveforms for ambulatory patients for detecting alarm conditions (Carlson et al. paragraphs 0014 – 0020). Carlson and Toner are silent regarding applying correction factors to those waveforms that are determined for individual patients. However, Hatlestad, a reference in an analogous art, discloses an EKG monitoring and transmitting system that applies correction factors to the measured waveforms to compensate for the context in which the data is measured (Hatlestad paragraph 0027). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Carlson and Toner with the correction factors of Hatlestad, since Hatlestad states that applying correction factors to compensate for the context in which physiological data is measured increases the reliability of the measured data and improves assessments of the patient's health (Hatlestad paragraphs 0003 – 0005).

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. Applicant contends that the applied prior art fails to disclose "comparing the physiological parameter reading with a first predetermined physiological parameter threshold value to determine if the person is wearing the device properly," and "comparing the physiological parameter reading with a second predetermined physiological threshold value to determine if the person has a physical condition." The Examiner respectfully disagrees.

As cited above, Carlson discloses in paragraphs 0033, 0037 and 0039 checking the voltages of electrodes applied to the body to determine whether or not they are fixed at the correct sites. If the system determines that the voltages are not proper, a message is sent to the user to reposition the electrodes. Checking the electrodes for proper voltages comprises comparing the parameter readings with a first threshold.

Furthermore, Carlson discloses in paragraphs 0089, 0109, and 0117 monitoring measured physiological parameters for deviations from a predetermined range. When deviations occur, alarm messages are sent. The predetermined defined range comprises at least a second parameter threshold value. Since physiological parameters are evaluated by the predetermined defined range, they are compared to a second threshold value to determine the presence of a physical condition. Therefore, the applied prior art is sufficient to reject the claims as currently presented.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAI RAJAN whose telephone number is (571)272-3077. The examiner can normally be reached on Monday - Friday 9:00AM to 4:00PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kai Rajan/
Examiner, Art Unit 3769

/Michael C. Astorino/
Primary Examiner, Art Unit 3769

February 17, 2009